

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. PETER A. NICOLINO,

Plaintiff,

ORDER

-against-

CV 12-1994 (JS) (ETB)

PATCHOGUE-MEDFORD SCHOOL DISTRICT,
PATCHOGUE-MEDFORD SCHOOL DISTRICT
BOARD OF EDUCATION, BRETT P. HOUDEK,
WILLIAM LAVELLE, MICHAEL J. LOCANTORE,
and NEIL KATZ,

Defendants.

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The defendants have raised substantial issues in support of their pending motion to dismiss, which, if successful, will eliminate, or at least reduce, not only the cost of discovery litigation, but also, and even more potentially costly, the time of school personnel in addressing discovery issues. The defendants have made an adequate showing of entitlement to relief under Rule 26(c) of the Federal Rules of Civil Procedure, under which a showing of “good cause” is the necessary predicate for entitlement to a stay of discovery pending the outcome of a motion to dismiss. See Ellington Credit Fund, Ltd. v. Select Portfolio Servs., No. 08 Civ. 2437, 2009 U.S. Dist. LEXIS 7905, at *3 (S.D.N.Y. Feb. 3, 2009) (“Under Rule 26(c) of the Federal Rules of Civil Procedure, a court may, in its discretion, stay discovery for ‘good cause.’”); Telesca v. Long Island Housing P’ship, Inc., No. CV 05-5509, 2006 U.S. Dist. LEXIS 24311, at *3-4 (E.D.N.Y. Apr. 27, 2006) (“Under Federal Rule of Civil Procedure 26(c), a district court may stay discovery during the pendency of a motion to dismiss for ‘good cause shown.’”); American Booksellers Ass’n v. Houghton Mifflin Co., No. 94 Civ. 8566, 1995 U.S. Dist. LEXIS 2044, at

*2(S.D.N.Y. Feb. 21, 1995) ("‘Good cause’ [to stay discovery] requires a showing of facts militating in favor of the stay.”).

Accordingly, all discovery is stayed pending the outcome of the defendant’s motion to dismiss.

The initial conference scheduled for September 27, 2012 is adjourned sine die pending the outcome of the motion to dismiss.

SO ORDERED:

Dated: Central Islip, New York
September 14, 2012

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge